



# **Materials for a Course on Rights**

**Spring 2006**

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These materials were prepared solely for the use of student in the Faculty of Law,  
University of Toronto

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## Syllabus and Table of Contents

### January 10 & 17: Introduction

#### January 10: Two Approaches to Rights

Amartya Sen, "Rights and Agency" ..... 1

#### January 17: A Formal Analysis of Rights Claims

Wesley Hohfeld, "Fundamental Jural Relations ..." ..... 21

### January 24 through February 10: Some Specific Rights

#### January 24: Rights in Tort Law

Steven Shavell, excerpts from *Economic Analysis of Accident Law* ..... 38

Arthur Ripstein, "Philosophy of Tort Law" ..... 55

#### January 31: The Right to Freedom of Religion

John Locke, "A Letter Concerning Toleration" ..... 87

*Syndicat Northcrest v. Amselem* ..... 118

#### February 7: The Right to Freedom of Expression

*R. v. Butler* ..... 155

Ronald Dworkin, "Why Must Speech Be Free?" ..... 178

David Dyzenhaus, "Pornography and Public Reason" ..... 188

### February 14: Locke

John Locke, excerpts from *Second Treatise* ..... 209

### **February 21: Reading Week (no class)**

### February 28 & March 7: Kant

Immanuel Kant, *The Metaphysics of Morals*, Mary Gregor, ed. & trans. (Cambridge: Cambridge University Press, 1996), excerpts to be handed out.



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### **March 14 & 21: Dworkin**

Ronald Dworkin, *Taking Rights Seriously*, paperback ed. (Cambridge, Mass.: Harvard University Press, 1978).

#### March 14

“Hard Cases” (pp. 81-130 )

#### March 21

“Taking Rights Seriously” (pp. 184-205) and “What Rights Do We Have?” (pp. 266-278).

[Optional reading: Joseph Raz, “Professor Dworkin’s Theory of Rights” (1978) 26 Political Studies 123; Dworkin, pp. 364-8 (reply to Raz).]

### **March 28 & April 4: Raz**

Joseph Raz, excerpts from *The Morality of Freedom* (Oxford: Clarendon Press, 1986).

#### March 28

“The Nature of Rights” ..... 233  
“Right-Based Moralities” ..... 247

#### April 4

“Liberty and Rights” ..... 259

